FILED

FEB 24 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GALINA OGEONE, Plaintiff - Appellant, v. UNITED STATES OF AMERICA, Defendant - Appellee.	No. 13-17509 D.C. No. 1:13-cv-00564-ACK-BMK District of Hawaii, Honolulu ORDER

Before: LEAVY and TASHIMA, Circuit Judges.

Appellant's motion to proceed in forma pauperis is denied because we find that the appeal is frivolous. If appellant wishes to pursue this appeal despite the court's finding that it is frivolous then, within 21 days after the date of this order, appellant shall pay $505.00 to the district court as the docketing and filing fees for this appeal and file proof of payment with this court. Otherwise, the appeal will be dismissed by the Clerk for failure to prosecute, regardless of further filings. *See* 9th Cir. R. 42-1.

No motions for reconsideration, clarification, or modification of the denial of appellant's in forma pauperis status shall be entertained.

KK/MOATT

Because the court has found that this appeal is frivolous, the district court order may be summarily affirmed even if appellant pays the fees. If appellant pays the fees and files proof of such payment in this court, appellant therefore shall simultaneously show cause why the order challenged in this appeal should not be summarily affirmed. *See* 9th Cir. R. 3-6. If appellant pays the fees but fails to file a response to this order, the Clerk shall dismiss this appeal for failure to prosecute. *See* 9th Cir. R. 42-1.

If the appeal is dismissed for failure to comply with this order, the court will not entertain any motion to reinstate the appeal that is not accompanied by proof of payment of the docketing and filing fees and a response to this order to show cause.

Briefing is suspended pending further order of this court.